

Message

From: Linder, Steven [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A50837ECD4B24423ABDFA574F6538A58-SLINDER]
Sent: 7/19/2017 5:38:43 PM
To: Huetteman, Tom [Huetteman.Tom@epa.gov]; Reynolds, Rebekah [Reynolds.Rebekah@epa.gov]; Wade Hargrove - State of Hawaii, Dept. of Attorney General (wade.h.hargrove@hawaii.gov) [wade.h.hargrove@hawaii.gov]; Pallarino, Bob [Pallarino.Bob@epa.gov]; steven.chang@doh.hawaii.gov; TU, LYNDSEY [Tu.Lyndsey@epa.gov]; Shalev, Omer [Shalev.Omer@epa.gov]
Subject: FW: Red Hill Data Sharing Process

FYI-

From: Brown, David K. [mailto:david.brown@morganlewis.com]
Sent: Wednesday, July 19, 2017 10:00 AM
To: Manfredi, Mark S CIV NAVFAC HI, ARE <mark.manfredi@navy.mil>
Cc: Ernest Lau (elau@hbws.org) <elau@hbws.org>; ERWIN KAWATA (EKAWATA@hbws.org) <EKAWATA@hbws.org>; Joseph J. Tracy (jtracy@intera.com) <jtracy@intera.com>; Linder, Steven <Linder.Steven@epa.gov>; steven.chang@doh.hawaii.gov
Subject: Red Hill Data Sharing Process

Mark:

I write on behalf of the Honolulu Board of Water Supply ("BWS") concerning the Red Hill Bulk fuel Storage Facility (the "Facility") investigation required by the Administrative Order on Consent for the Facility, EPA Docket No: RCRA 7003R9201501, DOH Docket No: 15USTEA01 (the "AOC"). As you requested at the data sharing meeting last month, the following is a brief summary of the existing and unanswered Freedom of Information Act ("FOIA") requests to the Navy seeking information about the Facility and the AOC investigation. Of the dozen FOIA requests to the Navy, the BWS has received a mere single document—the 1949 Engineering Survey of U.S. Navy Petroleum Facilities at Pearl Harbor for U.S. Navy Bureau of Yards and Docks by the Bechtel Corporation—and only after more than two years of persistent phone calls, emails, and other inquiries. The remainder of the information requests remain outstanding. We find it inconceivable that the Navy has not been able to locate or produce any of the other records responsive to these various requests, particularly considering the thorough investigation mandated by the AOC.

Nevertheless, the BWS has of its own initiative obtained some of the documents previously requested from the Navy. While we do not believe this excuses the Navy's dereliction of its duty to perform an adequate search of its records or to produce responsive documents, in the interest of moving the data sharing discussions forward the BWS is willing to narrow the universe of currently outstanding FOIA requests to the following:

- DON-Navy-2017-000267 (API 570 Piping Inspection Code Reports); and
- DON-Navy-2015-001401 (Final SI Results of Underground Storage Tank Leak Detection Program for FISC Pearl Harbor prepared by Environmental Science and Engineering (Aug. 18, 1991) – The document has been listed as located at FISC PH site 00030 and filed as record numbers: 050061, 050062, 050064, 050065, 050066, 050067, 050068, 050069, 050070, 050039, 050040, 050041, 050044, 050046, and 050054).

The BWS continues to see the value in working together to exchange data that will enhance the AOC process and remains hopeful that the Navy will continue to be open to discussing a more efficient mechanism for achieving such an end. Before turning to the any specific arrangement to facilitate future information sharing, however, the BWS believes that fundamental fairness and reciprocity call for at least these outstanding FOIA requests to be addressed.

We look forward to discussing this matter further during the Thursday, July 20, 2017 data sharing conference call.

Best,

David K. Brown

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